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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/705,134

11/02/2000

Alan E. Reamon

PD-99W231

6154

7590

12/29/2004

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EXAMINER

LEE, BENNY T

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 27 Sept 2004 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1, 7, 12 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☒ Claims 12 is are allowed.
4. ☒ Claims 1, 7 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev. 2/93)

SN 705 134

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The disclosure is objected to because of the following informalities: In the replacement paragraph starting at page 6, line 4, second line therein, note that "16^{iv}" should be correctly written as – 16^{IV} – and – 16^{VI} – should follow "16^V" for consistency of description. Appropriate correction is required.

In claim 1, penultimate paragraph, last line therein, note that – thereof – should follow "the center conductive strip" for clarity of description.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 7 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gaibotti et al (of record), for reasons of record.

Claims 1, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma in view of Gaibotti et al (both of record), for reasons of record.

Applicant's arguments filed 27 September 2004 have been fully considered but they are not persuasive.

Applicants' have filed a declaration under 37 CFR 1.131 seeking to establish a date of invention which is prior to the effective reference date of the Gaibotti et al patent (i.e. 30 December 1998)..

The declaration filed on September 27, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Gaibotti et al reference.

The evidence submitted is insufficient to establish diligence from a date prior to the critical date of the Gaibotti et al reference to either a constructive reduction to practice or an actual reduction to practice. It should be note that the declaration includes two exhibits. The

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first exhibit (i.e. exhibit A) contain pages from a lab notebook which inter alia depict drawings of a shielded coaxial line structure of like configuration to the shielded coaxial line structure as disclosed and claimed in the current patent application. Accordingly, this supporting documentation adequately establishes conception of the invention. The other exhibit (i.e. exhibit B) is an internal (i.e. to Raytheon) invention disclosure form describing in detail inter alia a shielded coaxial line structure which appears to be of like configuration to that in the current patent application. However, the declaration is deficient in establishing reasonable diligence in attempting to reduce the invention to practice from a time just prior to the critical reference date until the time of filing an actual patent application (i.e. constructive reduction to practice). It is evident from exhibit A that conception of the invention occurred sometime in early December 1998, before the critical 30 December 1998 of the Gaibotti et al reference. It is further evident that the internal invention disclosure took place in mid-November 1999. Accordingly, evidence is lacking as to whether any activity or excusable non-activity concerning reasonable diligence in reducing the invention to practice occurred during this almost one year interval. Furthermore, there is also a significant time interval (i.e. over a year) between the time of the internal invention disclosure and the time that the patent application was actually filed (i.e. 2 December 2002) where evidence of reasonable diligence also appears lacking. Accordingly while declarants have established conception of their invention, they have failed to establish constructive reduction to practice through "reasonable diligence".

It should be noted that the declaration lacks signature from one of the declarant's. An explanation of this situation is required.

Claim 12 is allowable over the prior art of record.

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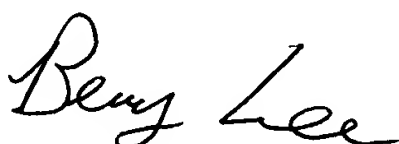
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number (571) 272-1764.

B. Lee/ds

12/22/04


BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817